

Amendment under 37 C.F.R. §1.111  
Application No. 09/994,686  
Attorney Docket No. 042207

### **REMARKS**

Claims 1-12 are pending in the application. Claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Shintani* (USP 6,721,018) in view of *Hunt* (USP 5,287,532). Applicants respectfully request reconsideration of the pending application in light of the arguments mentioned below.

### **Claim Rejections - 35 U.S.C. §103(a)**

The Office Action asserts that *Shintani* discloses each element of claim 1, but acknowledges that *Shintani* fails to disclose a second CPU in charge of existent station channel search processing on the side for the analog tuner. *Hunt* is applied for allegedly rendering this feature obvious.

### **Combined References Do Not Disclose the Present Invention**

The Office Action asserts that *Hunt* discloses adding a second processor to *Shintani*. Even if a second processor was added to *Shintani*, the Office Action does not state where is it suggested what the second processor would be used for. The present invention states that it would be used for *concurrently searching channels on the side of the analog tuner*. Just having a second processor in a broadcasting receiver is not sufficient to make the present invention unpatentable. The second processor could be used for any number of functions, too numerous to

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list. Nowhere in the cited references has the Office Action disclosed the idea of using a second processor to *concurrently search channels on the side of the analog tuner*.

#### Hunt is Non-Analogous Art

The *Hunt* reference is non-analogous art. *Hunt* involves “processor elements having multi-byte structure shift register for shifting data either byte wise or bit wise with single-bit output formed at bit positions thereof spaced by one byte.” Title of *Hunt*. Applicants fail to see how this system is analogous to a digital and analog broadcasting receiver.

*Hunt* is not in the field of the Applicant’s endeavour; in order for it to be analogous art it must “be reasonably pertinent to the particular problem with which the inventor was concerned.” In re Oetiker, 977 F.2d 1443. See MPEP § 2145. The present invention seeks to, among other things, shorten the total time in existent station channel search[ing]. An invention relating to computer systems is not reasonably pertinent.

#### No Motivation to Combine

When making a §103 obviousness rejection using at least two references, the Office Action must provide some suggestion, teaching, or motivation as to why one of ordinary skill in the art would combine the two references. In this case, the Office Action asserts that it would have been advantageous to do so, because it would provide *greater backwards compatibility*.

The Office Action has stated that *Shintani* discloses a first processor, and *Hunt* discloses a second processor. However, the Office Action's assertion that the *Hunt* reference discloses "supplementing a first processor with a co-processor," is incorrect. *Hunt* deals with processor arrays. Line 1, abstract. In other words, *Hunt* already starts with at least two processors, and then adds another processor. The prior art described in *Hunt* discloses, "supplement[ing] an existing array [of processors] with a co-processor." Lines 30-31, column 1.

Since *Shintani* only discloses one processor, and the *Hunt* reference starts out with a processor array (at least two processors), there is no apparent reason for a person ordinarily skilled in the art to combine the two inventions.

Furthermore, the Office Action's stated reason as a motivation to combine the two references, "greater backwards compatibility," is described by *Hunt* as having a disadvantage. *Hunt* describes this approach as having a disadvantage of requiring software which is less integrated in nature. Based on the disclosure, it is not apparent that one of ordinary skill in the art would have been motivated to make the modification suggested by the Office Action.

#### Impermissible Hindsight

It is submitted that the Office Action may have used the application as a "blueprint" for combining unrelated references. The Office Action has not indicated any reason to use a second CPU in charge of existent station channel search processing on the side of the analog tuner, where searches by the first and second CPU are concurrently conducted. "Combining prior art

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references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability – the essence of hindsight.” In re Dembiczak, 175 F.3d 994, at 999 (Fed. Cir. 1999). See MPEP § 2145.

The cited references, singly or in combination, do not disclose or fairly suggest any of the claims.

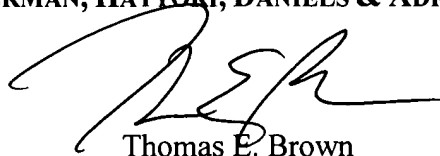
In view of the aforementioned arguments, and rationale, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.

If the Office Action believes that this application is not now in condition for allowance, the Office Action is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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